

REMARKS

This is a full and timely response to the Advisory Action mailed February 28, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. The Vange Reference

A. “Determining if a Requested Online Service is Downloadable”

As was indicated in Applicant’s previous Response, each of Applicant’s claims stands rejected in view of Vange et al. (“Vange,” Pub. No. US 2002/0007404), either alone under 35 U.S.C. § 102, or in combination with another reference under 35 U.S.C. § 103. As was further indicated in that Response, Vange at least fails to teach determining if a requested online service is downloadable.

In support of the argument that Vange does teach determining if a requested online service is downloadable, the Examiner cited paragraphs 0026 and 0068 in the final Office Action. Those paragraphs provide as follows:

[0026] Preferably, the cache contents are determinable by the site owner by allowing the site owner to cause the cache to be loaded with desired content. In this manner, content can be loaded into a cache before it is requested by a user based on a likelihood that it will be requested by a user. In this manner, a web site owner can explicitly prevent hits to the central server(s) by proactively sending content to a cache. For example, in the case of a small web site of a few megabytes of storage, the first hit to an index page may justify sending the entire site to the intermediary server that received the hit thereby preventing any further hits to the origin server.

[0068] Preferably, the cache contents are determinable by the site owner by allowing the site owner to cause the cache to be loaded with desired content. Several mechanisms are available to implement this functionality. In one alternative, front-end manager can explicitly load content into cache 403 as desired by a site owner. In another alternative, the cache instructions passed with a response packet may indicate subsequent material to be added to cache 403. For example, when an HTML page is loaded the cache instructions may indicate that all linked resources referenced in the HTML page should be loaded into cache 403. In a more aggressive example, when any one page of a web site 210-212 is loaded, the entire web site is transferred to cache 403 while the user views the first accessed web page. In yet another example, cache contents are propagated by a back-end 203 to connected front-ends 201 based upon propagation rules stored and implemented by back-end 203. For example, when the load on a back-end 203 is high and/or the resources of a back-end 203 become limited, the back-end can more aggressively or speculatively move content out to front-ends 201 to prevent hits. These cache functions may occur as a result of explicit cache instructions, or may be automatically performed by front-end 201 and/or intermediary 206 based on rules (e.g., site owner specified rules) stored in the server.

As is appreciated from the above excerpts, while Vange anticipates determining the current contents of a cache, Vange says nothing about making a determination as to whether an online service (or any other feature) is downloadable in these paragraphs.

Now, in the Advisory Action, the Examiner asserts that Vange teaches determining if a requested online service is downloadable in paragraph 0025. Applicant disagrees. Paragraph 0025 provides as follows:

[0025] Although the present invention may use conventional cache instructions provided in HTTP headers, preferably the content includes caching parameters that provides independent instruction to the caching system of the present invention. In this manner, the caches of the present invention may provide caching services even where the content is marked uncacheable in the HTTP header.

Contrary to that alleged in the Advisory Action, the above paragraph does not teach *determining* if a requested online service is downloadable. Instead, the paragraph only mentions that caching may be possible in cases in which content is marked as uncacheable. Nothing in this paragraph teaches or suggests the action of *determining* if a requested online service is downloadable. In fact, it can be argued that such a determination is not made by the Vange system given that whether the content is cacheable or uncacheable appears to be irrelevant in the Vange system.

B. Lack of Disclosure in the Provisional Application

Irrespective of whether the Vange reference does or does not disclose determining if a requested online service is downloadable, Applicant notes that the Vange provisional patent application, which is required to antedate Applicant's filing date, fails to disclose determining if a requested online service is downloadable.

As is explicitly stated in the Manual for Patent Examining Procedure (MPEP), Section 706.02(f)(1)(emphasis added):

The 35 U.S.C. 102(e) date of a reference that did not result from, nor claimed the benefit of, an international application is its earliest effective U.S. filing date, taking into consideration any proper benefit claims to prior U.S. applications under 35 U.S.C. 119(e) or 120 *if the prior application(s) properly supports the subject*

matter used to make the rejection in compliance with 35 U.S.C. 112, first paragraph. See MPEP § 2136.02<.

In the instant case, the subject matter at issue, i.e., the teachings of paragraph 0025, are not supported by the prior application. Therefore, the filing date of the provisional application cannot be relied upon in rejecting Applicant's claims. That being the case, the effective filing date of the Vange reference is later than Applicant's filing date, and the Vange reference is therefore not properly citable against Applicant's claims under 35 U.S.C. § 102(e).

II. The Touboul Reference

As was noted in Applicant's previous Response, the Examiner relied upon the teachings of Touboul (U.S. Pat. No. 6,167,520) for teaching "checking a service cache record for a service ID associated with the requested online service, wherein if the requested service ID is not listed in the service cache record, the online service is not downloadable by the local point of presence", which was previously recited in claim 27 and is now recited in claim 1. Specifically, the Office Action relied upon column 6, lines 52-58, which provides:

The foregoing description of the preferred embodiments of the invention is by way of example only, and other variations of the above-described embodiments and methods are provided by the present invention. For example, although the invention has been described in a system for protecting an internal computer network, the invention can be embodied in a system for protecting an individual computer.

As was also noted in the previous Response, the above excerpt, and the remainder of the Touboul disclosure, says nothing about checking a service cache record for a service ID associated with a requested online service. In fact, it can be said that Touboul teaches the *opposite*.

The Touboul system operates to prevent downloading of suspicious or hostile downloads for security purposes. Touboul, column 2, lines 63-67. As is described by Touboul, if a security system recognizes a security rule violation during a download operation, a runtime environment monitor records the violation and a response engine adds information pertaining to the download to a downloadables database 328, which is consulted prior to downloading. Touboul, column 4, lines 42-61. Specifically, an event router of the system determines whether an incoming download is known to be suspicious with reference to the database. Touboul, column 5, lines 41-46. If so, the response engine “manages” the downloadable. Touboul, column 5, lines 53-54.

Accordingly, contrary to that recited in Applicant’s claim 1, Touboul’s system checks a database for an ID associated with a download, and prevents downloading if the ID *is* contained in the database. Contrast this with Applicant’s claimed “checking a service cache record for a service ID associated with the requested online service, wherein if the requested service ID *is not listed* in the service cache record, the online service is not downloadable by the local point of presence” (emphasis added).

Notably, independent claims 10 and 20 include similar recitations.

III. Canceled Claims

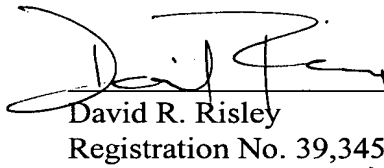
As identified above, claims 2, 5, 12, 15, and 27-28 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant

reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

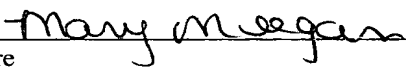
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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